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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,147	10/16/2003	Ismo Kallio	11001.120	8234

7590 04/13/2005

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EXAMINER

HUG, ERIC J

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,147	<b>Applicant(s)</b> KALLIO ET AL	
	<b>Examiner</b> Eric Hug	<b>Art Unit</b> 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2003 and 06 February 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the auxiliary roll". There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Du Bois (US 3,139,815).

Du Bois discloses a multinip calender stack with laterally arranged auxiliary rolls between each nip (extraction rolls) and having devices for preventing the web from wrapping around the calender rolls after a web break. The devices are positioned along the stretches of

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web between an auxiliary roll and a nip entrance. Each device is provided with a severing means and a deflecting means. When a paper break is detected, in advance of each nip entrance, the web is severed and deflected away from the nip entrance. The deflection means, a mask, baffle, or deflector (column 3, lines 16-19) prevents the advance of the web into the nip. The device is not only suitable for removal of a web during a web break, but can also be used to facilitate the cutting and threading of a narrow lead strip (tail) when the calender is ready for operation (see column 3, lines 57-68).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Du Bois (US 3,139,815) in view of Conrad (US 5,784,955).

As described above, Du Bois discloses a multinip calender stack with laterally arranged auxiliary rolls between each nip (extraction rolls) and having devices for preventing the web from wrapping around the calender rolls after a web break. The devices are positioned along the stretches of web between an auxiliary roll and a nip entrance. Each device is provided with a severing means and a deflecting means. When a paper break is detected, in advance of each nip entrance, the web is severed and deflected away from the nip entrance. The deflection means, a mask, baffle, or deflector (column 3, lines 16-19) prevents the advance of the web into the nip.

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The device is not only suitable for removal of a web during a web break, but can also be used to facilitate the cutting and threading of a narrow lead strip (tail) when the calender is ready for operation (see column 3, lines 57-68). Du Bois does not disclose using a vacuum conveyor belt for supporting web between an auxiliary roll and nip. However, Conrad discloses a calender stack having multiple nips and extraction rolls, and also having a carrying belt disposed adjacent to the inlet of a nip. The carrying belt rotates around two support rollers. A suction box is disposed under the portion of carrying belt that carries a guide strip during threading of the calender stack. A partial vacuum is generated in the suction box. The guide strip is drawn toward the suction box and adheres to the carrying belt. See column 5, lines 29-40. At the time of the invention, it would have been obvious to one skilled in the art to modify the calender stack of Du Bois to also include a vacuum conveyor belt as described by Conrad to facilitate the cutting and guiding of the narrow lead strip. Note that the latter position of the conveyor belt in Conrad is along the stretch of web between the extraction roll and nip. It is clear that this latter portion of the belt would be where a cutting device must be located (it can't be at the beginning portion because there is no web there), which would be a location consistent with that of the cutting device disclosed in Du Bois.

***Allowable Subject Matter***

Claims 2 and 3 would be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The claims would be allowable for providing at the holding point an auxiliary roll formed of several rotating discs arranged in the same line.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Caspar (US 6,022,452) discloses a water jet device for clipping a threading tail being pulled through a calender roll stack. The device is located before the last calender nip.

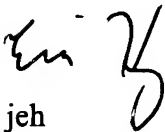
Munch et al (US 6,325,265) discloses a feeding mechanism for guiding a web between calender nips.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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